CRP 312/2006
BEFORE
THE HON'BLE MR JUSTICE H. N. SHARMA
CRP No 312 / 2006
13.11.2006
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THE HON'BLE MR JUSTICE H N SARMA

Heard Mr S S Sharma, learned counsel for the petitioner.

Being placed in a peculiar situation and highly aggrieved by the impugned order dated 9.8.2006, the petitioner has filed the present application under Article 227 of the Constitution of India has been filed seeking interference of this Court under its supervisory jurisdiction.

By the impugned order dated 9.8.2006 passed in MAC Case No 2213 / 2005, the learned Tribunal refused to accept the written statements filed by the petitioner / Insurance Company by vacating the ex-parte order. The impugned order neither shows any ground leading to pass such an order nor any ground supported by law for rejecting the prayer of the petitioner. The learned Tribunal failed to consider the applicability of the provisions of Order 8, Rule 1, CPC in deciding such a claim petition. That apart, the impugned order is an ex-parte order and it does not disclose as to how the statutory period of filing the written statements has been expired and where such provisions is at all applicable.

While issuing notice of motion, vide order dated 15.9.2006, this Court having directed to serve the notice upon the claimants / opposite parties by registered post with A/D. Notice by registered post was sent on 19.9.2006 by the Registry. That apart as per order of this Court the learned counsel has also served the copy of the application on the learned counsel for the claimant. But claimant has not entered appearance. Accordingly, in such a situation, the notice is accepted to have been served.

In view of the aforesaid discussions I find that the learned Tribunal committed blatant jurisdictional error in passing the impugned order, hence, in exercise of the power under Article 227 of the Constitution of India, the impugned order stands quashed and set aside. The learned Tribunal is directed to accept the written statements of the petitioner by taking note of the observations made above. This revision petition is accordingly allowed.

JUDGE

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